

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

ALI BAHAR, : Case No. C-1-01-798

Plaintiff, : Judge Watson

:  
vs.

CITY OF CINCINNATI : **SUPPLEMENTAL JURY  
INSTRUCTION**

Defendant. :  
:

Now comes Defendant, City of Cincinnati, pursuant to the Court's order, submits the following supplemental Jury Instruction. Defendant reserves the right to amend, modify, and add to instructions prior to submission to the jury.

Respectfully submitted,

**JULIA L. McNEIL (0043535)**  
City Solicitor

*/s/ **Terrance A. Nestor***  
**AUGUSTINE GIGLIO** (0031911)  
**TERRANCE A. NESTOR** 065840)  
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**DEFENDANT'S PROPOSED JURY INSTRUCTION NO. 6**

**Adverse Employment Action**

An “adverse employment action” is a materially adverse change in the terms or conditions of employment because of the employer’s conduct. Reassignments without changes in salary, benefits, title, or work hours usually do not constitute adverse employment actions. An employee’s subjective impressions as to the desirability of one position over another are not relevant to your determination.<sup>1</sup>

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<sup>1</sup> *Kocsis v. Multi-Care Mgmt., Inc.*, 97 F.3d 876, 885 (6<sup>th</sup> Cir.1996), *Yates v. Avco Corp.*, 819 F.2d 630,638 (6<sup>th</sup> Cir. 1987), *Policastro v. Northwest Airlines, Inc.*, 297 F.3d 535, 539 (6<sup>th</sup> Cir. 2002).

**CERTIFICATE OF SERVICE**

I hereby certify on January 12, 2005 a true and accurate copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system and copies will be mailed to those parties who are not served via the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ *Terrance A. Nestor*  
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